

### **REMARKS**

Claims 1 and 3-50 are currently pending in the subject application and are presently under consideration. Claims 1, 3-5 and 17 have been amended herein. Claim 2 has been cancelled. A listing of all claims is found at pages 3-12.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Drawings**

The drawings are objected to as failing to comply with 37 CFR §§1.84(p)(4) and 1.84(p)(5). Withdrawal of this objection is requested in view of the herein amendments to Figs. 4, 6 and 7, and the accompanying replacement drawing sheets.

#### **II. Rejection of Claims 1-14, 16-17, 22, 24-26, 28-33, 35-39, 41-46 and 49-50 Under 35 U.S.C. §102(e)**

Claims 1-14, 16-17, 22, 24-26, 28-33, 35-39, 41-46 and 49-50 stand rejected under 35 U.S.C. §102(e) as being anticipated by Alanara *et al.* (U.S. 6,292,668 B1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.* does not teach or suggest each and every limitation of the invention as recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

#### **Independent claim 1 and its corresponding dependent claims:**

Independent claim 1 recites *an active messaging client stored in a computer readable medium of a digital cellular telephone, the active messaging client includes an active messaging loader that distinguishes and directs short text messages according to whether they include an active message script*. The active messaging loader identifies the active messages and distinguishes them from conventional short text messages by, for example, header

information. (See e.g., page 13, ¶ [0048]). The active messaging loader further directs short text messages to an active messenger filer manager for storage or to an active messenger interpreter. (See e.g., *id.*).

In the Office Action, it is asserted the application (17, 18) of Alanara *et al.* is the claimed “active messaging client” and is stored in a memory (14). However, the application (17, 18) of Alanara *et al.* merely *receives* a message - it is not *an active messaging client that includes an active messaging loader that distinguishes and directs short text messages according to whether they include an active message script* as in applicants’ claimed invention. Rather, the disclosed application (17, 18) is a terminal application program that performs different kinds of services and runs different types of applications. (See e.g., col. 21, lines 11-18). The application 17, 18 merely handles application related information and can *receive* a message. (See e.g., Abstract; col. 2, lines 1-9; col. 21, lines 44-46).

Independent claim 1 further recites *an active message gateway ...to receive short text messages from a digital cellular telephone...and maintain a database of access privileges of registered digital cellular telephones and registered application servers*. The registered digital cellular telephones and registered application servers are those that have permission to connect to the gateway and perform authorized actions. (See e.g., page 9, ¶ [0033]). The database performs authentication of access requests made by the digital cellular telephones and application servers. (See e.g., *id.*). The Office Action incorrectly asserts the server gateway (SERV GTW) of Alanara *et al.* is the “active message gateway.” The SERV GTW, shown in Figure 2 labeled GTW, does not *receive short text messages from a digital cellular telephone* as in applicants’ claimed invention. Instead, the SERV GTW has a connection to the Internet and receives messages sent by a personal computer. (See e.g., col. 5, lines 34-52). Additionally, the SERV GTW does not *maintain a database of access privileges of registered digital cellular telephones and registered application servers*.

In view of at least the foregoing, it is readily apparent that the cited reference does not teach or suggest applicants’ invention as recited in the subject claims, and this rejection should be withdrawn.

**Independent claim 10 and its corresponding dependent claims:**

Independent claim 10 recites *in a computer readable medium of a digital cellular telephone...active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script*. The active messaging loader software distinguishes active messages from conventional messages. (See e.g., Page 13, ¶[0048]). The active messages are sent to the active message interpreter software and the conventional messages are sent, for example, to storage. (See e.g., *id.*).

Alanara *et al.* merely discloses “an identifier, which enables the receiving terminal to process the received message directly into an application.” (See e.g., col. 6, lines 29-34). Thus, the receiving terminal merely sends all messages it receives directly into an application but does not teach or suggest an active messaging loader software in the computer readable medium of a digital cellular telephone that directs short text messages according to whether they include an active message script. Accordingly, this rejection should be withdrawn.

**Independent claim 17 and its corresponding dependent claims:**

Independent claim 17 recites an active message script data structure ... comprising ... *<Instruction> field is one byte in size* and specifies a command to be executed; *<Flags> field is one byte in size* and specifies one or more options for the command; *<Data> Field* specifies any data associated with the command; and *<Address> field is two bytes in size* and is a byte-address of an instruction to be executed under predefined conditions related to the command. The claimed invention provides an active message script that is configured to be compact and compatible with limited processing and storage resource of electronic devices. (See e.g., page 17, ¶[0061]).

Alanara *et al.* discloses an ADD field “given in *several* bytes”. (See e.g., col. 6, lines 12-15) (emphasis added). A service access point identifier is added to the several bytes of the ADD field. (See e.g., col. 6, lines 20-23). Moreover, the ADD field contains an additional special byte that contains an application identifier. (See e.g., col. 19, line 46 to col. 20 line 17). Thus, the ADD field of Alanara *et al.* contains more than two bytes. Additionally, Alanara *et al.* is silent regarding a *<Flags>* field that is one byte in size and specifies one or more options for the command. Alanara *et al.* is also silent regarding an *<Instruction>* Field that is one-byte in size.

Therefore, it would not have been obvious to one having ordinary skill in the art to modify Alanara *et al.* to anticipate the claimed invention by providing an active message script that is compact and compatible with the limited processing and storage resources of electronic devices.

Accordingly, withdrawal of this rejection and allowance of independent claim 17 (and its corresponding dependent claims) is requested.

**Independent claim 30 and its corresponding dependent claims:**

Independent claim 30 recites *receiving at an active message gateway short text messages transmitted from a mobile telephone*. The Office Action incorrectly asserts Alanara *et al.* discloses such novel features at col. 5, lines 34-51. The cited portion of Alanara *et al.* merely discloses a server gateway (SERV GTW) that receives messages from a personal computer, it does not receive messages transmitted from a mobile telephone. Thus, Alanara *et al.* does not teach or suggest receiving at an active message gateway short text messages transmitted from a mobile telephone.

Claim 30 also recites *distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script and forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination address*. These features are not taught or suggested by Alanara *et al.*

Alanara *et al.* simply discloses dividing the transmission of a short message into parts. (See *e.g.*, col.4, lines 46-52). For example, “[w]hen the length of a message to be transmitted exceeds the permissible maximum length of a frame FR, the message M must be segmented into parts M1-M4 and sent in several frames FR1-FR4.” (See *e.g.*, col. 5, line 67 to col. 6, line 5; and figures 4a and 4b). These frames do not *distinguish* the messages but merely are a way to break the messages down so they do not exceed the permissible maximum length. Therefore, Alanara *et al.* does not teach or suggest a computer readable medium of a mobile telephone short text messaging system having software for distinguishing among the short text messages and forwarding the text messages that do not include an active message. Accordingly, the rejection of independent claim 30 and its corresponding dependent claims should be withdrawn.

**Independent claim 36 and its corresponding dependent claims:**

Independent claim 36 recites *in a computer readable medium of a mobile telephone short text messaging system ... software for receiving at an active message gateway short text messages transmitted from a mobile telephone*. The Office Action incorrectly asserts this limitation is disclosed in Alanara *et al.* at col. 5, lines 34-51. However, as discussed *supra* with respect to independent claim 1 and 30, Alanara *et al.* discloses a server gateway (SERV GTW) that receives a message from a personal computer, it does not *receive messages transmitted from a mobile telephone*. Additionally, the SERV GTW is not included in the *computer readable medium of a mobile telephone short text messaging system*. Instead Alanara *et al.* specifically discloses that the SERV GTW is “outside the mobile communications network.” (See *e.g.*, col. 5, lines 6-8). Based on at least the foregoing, this rejection should be withdrawn and the subject claims allowed.

**III. Rejection of Claims 15 and 27 Under 35 U.S.C. §103(a)**

Claims 15 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* in view of Comer (U.S. 5,610,973). This rejection should be withdrawn for at least the following reason. Neither Alanara *et al.* nor Comer, alone or in combination, teach or suggest all limitations as recited in the subject claims.

As discussed *supra*, Alanara *et al.* does not teach or suggest all limitations of independent claims 1 or 17 (from which claims 15 and 27 depend). Comer *et al.* merely discloses automatically detecting the presence of predetermined classes of mobile radiotelephones with a cellular network, such as roamers, and automatically and interactively communicating with the mobile radiotelephones within such classes. (See *e.g.*, col. 1, lines 9-14). Further, the system is able to determine if a mobile radiotelephone is on and within range of the telephone system and ready to receive calls. (See *e.g.*, col. 5, lines 31-34). Comer *et al.* fails to make up for the aforementioned deficiencies of Alanara *et al.* Accordingly, it is requested that this rejection be withdrawn.

**IV. Rejection of Claims 18-21, 23, 34, 40 and 47 Under 35 U.S.C. §103(a)**

Claims 18-21, 23, 34, 40 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* in view of Chen *et al.* (U.S. Patent Application 2003/0054810 A1). This rejection should be withdrawn for at least the following reason. Neither Alanara *et al.* nor Chen *et al.*, alone or in combination, teach or suggest all limitations as recited in the subject claims.

As discussed *supra* with regard to independent claims 17, 30 and 35 (from which the subject claims depend) Alanara *et al.* does not teach or suggest all claim limitations. Chen *et al.* simply discloses a server that allows mobile devices to communicate with each other. (See *e.g.*, page 3, ¶ [0045]). The server allows access to resources and information on the Internet and various other networks. (See *e.g.*, *Id.*). Chen *et al.* does not make up for the aforementioned deficiencies of Alanara *et al.* Accordingly, this rejection should be withdrawn and the subject claims allowed.

**V. Rejection of Claim 48 Under 35 U.S.C. §103(a)**

Claim 48 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* This rejection should be withdrawn for at least the following reason. Claim 48 depends from independent claim 36 and, as discussed *supra*, Alanara *et al.* does not teach or suggest each and every element recited in independent claim 36. Therefore, it is requested that this rejection be withdrawn.

**Conclusion**

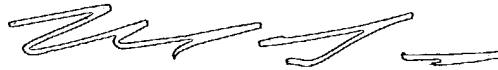
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP682US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

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